

BEFORE THE NEW ZEALAND TEACHERS DISCIPLINARY TRIBUNAL

NZTDT 2018/110

IN THE MATTER of the Education Act 1989

AND

IN THE MATTER of a charge referred by the Complaints Assessment
Committee to the New Zealand Teachers
Disciplinary Tribunal

BETWEEN **COMPLAINTS ASSESSMENT COMMITTEE**
Complainant

AND **PERENISE TAPU**
Respondent

MINUTE OF THE DEPUTY CHAIRPERSON

27 July 2021

1. In a decision dated 7 July 2020 the Tribunal upheld a charge of serious misconduct against the respondent and imposed a penalty. There were no applications for name suppression at the time though the Tribunal automatically suppressed the names of all student witness pursuant to section 501(6) Education Act 1989.
2. In a letter to the Tribunal dated 13 May 2021 Mr Pa'u on behalf of the kura sought suppression of the name of the teacher, the kura, and the names of other teachers referred to in the decision. Brief submissions were made that non-publication was in the interests of the justice and not contrary to the public interest. Accompanying the letter were copies of three newspaper articles in covering the circumstances in and around the incident for which Mr Tapu was prosecuted before the Tribunal.

3. On 8 July 2021 submissions were received from the CAC opposing the application for name suppression.
4. We need to be clear. The Tribunal issued its decision on 7 July 2020 and it became “public” at that point. From the time of issuing the decision, the Tribunal becomes “functus officio” meaning that we have discharged our obligations and our role in this case is at an end.
5. When the Council publishes the decision on the website it is merely an administrative function and is not within the jurisdiction of the Tribunal.
6. Without an application for recall of the decision on proper grounds, then the Tribunal has no jurisdiction to make any further orders.



Rachel Mullins
Deputy Chair